UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,581	06/11/2001	Susumu Nakagawa	450100-03278	2762

20999   7590   11/19/2008
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EXAMINER
SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
2424	

MAIL DATE	DELIVERY MODE
11/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22, 28-30 and 32-37* is/are pending in the application.

    4a) Of the above claim(s) *10-17, 19, 21, 22, 29, 30 and 37* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9, 20, 28 and 32-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

09/16/08 has been entered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-9, 18, 20, 28 and 32-36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bar-el (WO 99/26415 A1) (of record) in view of Srinivasan et al.

(Srinivasan) (US 2001/0023436 A1).

        As to claim 1, while Bar-el discloses an image content providing method of

providing an image content via stream distribution from an image content providing

apparatus to an image content reproducing apparatus (page 7, lines 2-19), said image

content providing method comprising the steps of:

requesting, via the stream distribution, distribution of said image content from said image content reproducing apparatus to said image content providing apparatus (page 7, lines 20-22);

transmitting, via stream distribution, said image content to said image content reproducing apparatus (Fig. 1; page 8, lines 4-18) and during transmission detecting a position of inserting an advertisement image in said image content at said image content providing apparatus (page 14, line 14-page 15, line 5);

requesting an advertisement image providing apparatus having said advertisement image to distribute said advertisement image to said image content providing apparatus (page 12, lines 3-9 and page 14, line 22-page 15, line 5);

selecting said advertisement image to be inserted into said image content (page 11, line 14-page 12, line 9) and transmitting thereof to said image content providing apparatus at said advertisement image providing apparatus (page 12, lines 3-9 and page 14, line 22-page 15, line 5);

inserting said advertisement image transmitted to said image content providing apparatus at the position of inserting said advertisement image in said image content at said image content providing apparatus (page 14, line 24-page 16, line 21);

distributing, via stream distribution the inserted advertisement image from said image content providing apparatus to said image content reproducing apparatus (Fig. 1-2; page 7, line 11-page 8, line 18), he fails to specifically disclose restarting distribution of said image content from said image content providing apparatus to said image

content reproducing apparatus when the distribution of the advertisement image finishes.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where a user will request a video (paragraph 202) and the system will stream the video to the user (paragraphs 202-204), insert advertisement images at the appropriate position (paragraphs 202-204) and then restart distribution of the video when the ad is finished (starting and stopping of ad and video streams; paragraph 204) for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream (paragraphs 198-202 and paragraph 44 and 85).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include restarting distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes, as taught in combination with Srinivasan, for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream.

As to claim 3, Bar-el and Srinivasan disclose wherein the position of said image content for inserting said advertisement image is detected based on advertisement inserting condition data having an advertisement image inserting position condition for designating the position of inserting said advertisement image and an advertisement image selecting condition for designating a category of said advertisement image

capable of being inserted to said image content (column 14, lines 14-21 and column 11,

lines 14-19).

As to claim 4, Bar-el and Srinivasan disclose wherein said advertisement

inserting condition data includes an advertisement image reproducing condition for

designating a maximum period of time for reproducing said advertisement image when

said advertisement image is inserted to said image content (page 14, lines 14-21).

As to claim 5, Bar-el and Srinivasan disclose wherein when said advertisement

image is requested to distribute at said image content providing apparatus, said

advertisement inserting condition data is transmitted to said advertisement image

providing apparatus (page 11, lines 9-19) and when said advertisement image is

selected at said advertisement image providing apparatus, said advertisement image is

selected based on said advertisement inserting condition data (page 11, lines 9-19).

As to claim 6, Bar-el and Srinivasan disclose wherein when said image content is

requested to distribute at said image content reproducing apparatus, viewer information

of a viewer for utilizing said image content is transmitted to said image content providing

apparatus (page 10, lines 3-20).

As to claim 7, Bar-el and Srinivasan disclose wherein when said advertisement

image is requested to distribute at said image content providing apparatus, said viewer

information is transmitted to said advertisement image providing apparatus (page 11,

lines 6-19) and when said advertisement image is selected at said advertisement image

providing apparatus, said advertisement image is selected based on said viewer

information (page 11, lines 6-19).

As to claim 8, Bar-el and Srinivasan disclose wherein said image content

providing apparatus comprises:

a main image content distributing apparatus (Fig. 1-2); and

a plurality of deputy image content distributing apparatus (page 7, lines 13-19);

wherein said main image content distributing apparatus selects one of the deputy

image content distributing apparatus from said plurality of deputy image content

distributing apparatus by a request of distributing said image content from said image

content reproducing apparatus and said selected deputy image content distributing

apparatus distributes said image content to said image content reproducing apparatus

(plurality of intermediate routers and nodes present in an Internet distribution system;

page 7, lines 13-19 and page 10, line 23-page 11, line 5).

As to claim 9, Bar-el and Srinivasan disclose wherein said image content

providing apparatus comprises:

a main image content distributing apparatus (Fig. 1-2); and

a plurality of image content distribution splitter nodes (page 7, lines 13-19).;

wherein when said main image content distributing apparatus is requested to

distribute said image content, said main image content distributing apparatus selects

said image content distribution splitter node and distributes said image content to said

image content distribution splitter node and said image content is distributed from said

image content distribution splitter node to said image content reproducing apparatus

(plurality of intermediate routers and nodes present in an Internet distribution system;

page 7, lines 13-19 and page 10, line 23-page 11, line 5).

As to claim 18, while Bar-el discloses image content providing system (page 7,

lines 2-19), comprising:

an image content providing apparatus having an image content and having a

function of providing said image content via stream distribution (Fig. 1; page 8, lines 4-

18);

an advertisement image providing apparatus having an advertisement image to

be inserted to said image content and having a function of providing said advertisement

image via stream distribution to said image content providing apparatus (page 12, lines

3-9 and page 14, line 22-page 15, line 5);

an image content reproducing apparatus having a function of reproducing said

image content and said advertisement image received from said image content

providing apparatus (page 8, lines 15-18);

wherein said image content providing apparatus has a function of inserting the

advertisement image transmitted via stream distribution from said advertisement image

providing apparatus at the position in said image content (page 14, line 24-page 16, line 21) and providing via stream distribution said image content and said advertisement image to said image content reproducing apparatus (Fig. 1-2; page 7, line 11-page 8, line 18), he fails to specifically disclose restarting distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where a user will request a video (paragraph 202) and the system will stream the video to the user (paragraphs 202-204), insert advertisement images at the appropriate position (paragraphs 202-204) and then restart distribution of the video when the ad is finished (starting and stopping of ad and video streams; paragraph 204) for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream (paragraphs 198-202 and paragraph 44 and 85).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include restarting distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes, as taught in combination with Srinivasan, for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream.

As to claims 32 and 34, Bar-el and Srinivasan disclose wherein said image content is a moving picture (page 8, lines 11-18).

As to claim 36, while Bar-el discloses an image providing method of providing an

image from an image program providing apparatus to an image program reproducing

apparatus (page 7, lines 2-19), said image providing method comprising the steps of:

requesting, via the stream distribution, distribution of said image from said image

program reproducing apparatus to said image content program providing apparatus

(page 7, lines 20-22);

transmitting, via stream distribution, said image to said image program

reproducing apparatus (Fig. 1; page 8, lines 4-18) and during transmission detecting a

position of inserting an advertisement image in said image at said image program

providing apparatus (page 14, line 14-page 15, line 5);

requesting an advertisement image providing apparatus having said

advertisement image to distribute said advertisement image to said image program

providing apparatus (page 12, lines 3-9 and page 14, line 22-page 15, line 5);

selecting said advertisement image to be inserted into said image (page 11, line

14-page 12, line 9) and transmitting thereof to said image program providing apparatus

at said advertisement image providing apparatus (page 12, lines 3-9 and page 14, line

22-page 15, line 5);

inserting said advertisement image transmitted to said image program providing

apparatus at the position of inserting said advertisement image into said image (page

14, line 24-page 16, line 21); and

distributing, via stream distribution, the advertisement image, wherein the image

program providing apparatus instructs a plurality of deputy image program providing

apparatuses to distribute the image with the inserted advertisement image to said

program reproducing apparatus (plurality of intermediate routers and nodes present in

an Internet distribution system; page 7, lines 13-19 and page 10, line 23-page 11, line

5), he fails to specifically disclose restarting distribution of said image content from said

image content providing apparatus to said image content reproducing apparatus when

the distribution of the advertisement image finishes.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where

a user will request a video (paragraph 202) and the system will stream the video to the

user (paragraphs 202-204), insert advertisement images at the appropriate position

(paragraphs 202-204) and then restart distribution of the video when the ad is finished

(starting and stopping of ad and video streams; paragraph 204) for the typical benefit of

providing traditional advertisement slots for broadcast commercials within a requested

video stream (paragraphs 198-202 and paragraph 44 and 85).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Bar-el's system to include restarting distribution of said

image content from said image content providing apparatus to said image content

reproducing apparatus when the distribution of the advertisement image finishes, as

taught in combination with Srinivasan, for the typical benefit of providing traditional

advertisement slots for broadcast commercials within a requested video stream.

As to claims 33 and 35, while Bar-el and Srinivasan disclose wherein said image content is video, they fail to specifically disclose wherein said video content is one of a movie, a drama and an animation.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to provide movies, dramas and an animation, which were all well known and popular forms of video, for the typical benefit of providing viewers with the respective form of video content, such as a movie, drama or animation, that they desire.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el and Srinivasan's system to include wherein said video content is one of a movie, a drama and an animation for the typical benefit of providing viewers with the respective form of video content, such as a movie, drama or animation, that they desire, in an interactive video distribution system.

As to claim 2, while Bar-el and Srinivasan disclose wherein when said image content is requested to distribute at said image content reproducing apparatus, said image content is selected and requested to distribute based on information for viewing said distributable image contents to be transmitted from said image content providing apparatus (page 7, line 20), they fail to specifically disclose a title list.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to provide a title list, listing the available videos for selection, for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Bar-el and Srinivasan's system to include a title list

for the typical benefit of providing a well known user friendly means for viewers easily

identify and select a desired video.

As to claim 20, while Bar-el discloses an image content providing apparatus for

providing an image content via stream distribution (Fig. 1; page 8, lines 4-18), said

image content providing apparatus comprising:

an image content database for storing said image content (Fig. 2; page 11, lines

20-23);

image providing means having a function of receiving an advertisement image

via stream distribution (page 12, lines 3-9 and page 14, line 22-page 15, line 5),

inserting the advertisement image at a position in said image content of said image

database (page 14, line 24-page 16, line 21) and distributing thereof via stream

distribution (Fig. 1-2; page 7, line 11-page 8, line 18), and

means having a function of forming information of viewing said image content

stored to said image content database and providing said title list (means for user

selection of an available video; page 11, lines 20-21), he fails to specifically disclose a

title list and restarting distribution of said image content from said image content

providing apparatus to said image content reproducing apparatus when the distribution

of the advertisement image finishes.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to provide a title list, listing the available videos for selection, for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where a user will request a video (paragraph 202) and the system will stream the video to the user (paragraphs 202-204), insert advertisement images at the appropriate position (paragraphs 202-204) and then restart distribution of the video when the ad is finished (starting and stopping of ad and video streams; paragraph 204) for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream (paragraphs 198-202 and paragraph 44 and 85).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include a title list for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include restarting distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes, as taught in combination with Srinivasan, for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream.

As to claim 28, while Bar-el discloses a program storage medium stored with an

image content providing program which is a program storage medium stored with an

image content providing program for providing an image content (Fig. 2; page 11, lines

20-23), said program storage medium comprising:

image providing means having a function of receiving an advertisement image

via stream distribution (page 12, lines 3-9 and page 14, line 22-page 15, line 5),

inserting the advertisement image at a position in said image content of said image

database (page 14, line 24-page 16, line 21) and distributing of the advertisement

image via stream distribution (Fig. 1-2; page 7, line 11-page 8, line 18),

means having a function of forming information of viewing said image content

stored to said image content database and providing said title list (means for user

selection of an available video; page 11, lines 20-21), he fails to specifically disclose a

title list and restarting distribution of said image content from said image content

providing apparatus to said image content reproducing apparatus when the distribution

of the advertisement image finishes.

The examiner takes Official Notice that it was notoriously well known in the art at

the time of invention to provide a title list, listing the available videos for selection, for

the typical benefit of providing a well known user friendly means for viewers easily

identify and select a desired video.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where

a user will request a video (paragraph 202) and the system will stream the video to the

user (paragraphs 202-204), insert advertisement images at the appropriate position

(paragraphs 202-204) and then restart distribution of the video when the ad is finished

(starting and stopping of ad and video streams; paragraph 204) for the typical benefit of

providing traditional advertisement slots for broadcast commercials within a requested

video stream (paragraphs 198-202 and paragraph 44 and 85).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Bar-el's system to include a title list for the typical

benefit of providing a well known user friendly means for viewers easily identify and

select a desired video.

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Bar-el's system to include restarting distribution of said

image content from said image content providing apparatus to said image content

reproducing apparatus when the distribution of the advertisement image finishes, as

taught in combination with Srinivasan, for the typical benefit of providing traditional

advertisement slots for broadcast commercials within a requested video stream.

Response to Arguments

4.   Applicant's arguments filed 09/16/08 have been considered but are moot in view

of the new ground(s) of rejection.

Conclusion

5.   The following are suggested formats for either a Certificate of Mailing or
Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with
all correspondence concerning this application or proceeding to establish a date of

mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (　)_____ - _____ on _____.
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Typed or printed name of person signing this certificate:

_____

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JAMES SHELEHEDA whose telephone number is

(571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM -

5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sheleheda/
Examiner, Art Unit 2424

JS